

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2008-093000

09/29/2008

HONORABLE EMMET RONAN

CLERK OF THE COURT

M. Scott

Deputy

IN RE THE MARRIAGE OF  
JENNIFER BROOKE SCHAUNAMAN

STEVEN M ELLSWORTH

AND

JEREMIAH ROBERT SCHAUNAMAN

JEREMIAH ROBERT SCHAUNAMAN  
544 S. FOREST ST.  
MESA AZ 85204

TASC - MESA

TRIAL SETTING

9:09 a.m. This is the time set for Resolution Management Conference.

Petitioner/Mother, Jennifer Brooke Schaunaman, is present with counsel, Steven Ellsworth.

Respondent/Father, Jeremiah Robert Schaunaman, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel is heard regarding Father's refusal to sign HIPPA releases. Discussion is held. Father is heard in response. After discussion,

LET THE RECORD REFLECT that Father agrees to sign releases to Wal-Mart and Walgreens. However, Father still objects to signing a release for New Hope where he currently claims to be receiving substance abuse treatment. Further discussion is held.

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LET THE RECORD REFLECT that Father is provided HIPPA releases for Wal-Mart and Walgreens and is directed to sign the releases before he leaves the courtroom today. As to the request that Father sign the HIPPA releases for his current treatment program, he objects.

THE COURT FINDS that the request is not unreasonable, that the information is necessary in determining custody and parenting time issues. Therefore,

IT IS ORDERED that the current treatment program/facility is to provide any and all treatment records, including drug testing and counseling to counsel for Petitioner/Mother. Petitioner's counsel is not to divulge the information to anyone outside of discussions with his client without further order of the Court.

IT IS FURTHER ORDERED directing counsel for Mother to prepare a form of Order to the treatment facility authorizing the release of the Respondent's medical records for the Court's review and signature.

IT IS FURTHER ORDERED setting this matter for a Temporary Orders hearing on custody, parenting time, financial issues and attorney's fees on **Wednesday, October 15, 2008 at 1:30 p.m., (90 minutes are reserved) in this Division, before the Honorable Emmet Ronan.**

Discussion is held regarding Trial setting in this matter.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably

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required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

Both parties agree that a trial of 3 ½ hours is sufficient to resolve all of the remaining issues in this case.

IT IS ORDERED setting Trial to the Court on **Wednesday, November 19, 2008, at 1:30 p.m. (3 ½ hours allowed)** in this Division at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 403  
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.

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2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor un-emancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

Father is heard regarding supervised parenting time.

Counsel is heard in response regarding an Injunction Against Harassment obtained against Father by Maternal Grandparents and issued by the East Mesa Justice Court in **CC2008-192488**, which includes the parties' minor child, Knyzi Rai. Discussion is held regarding alternate supervisors for Father's parenting time. Father suggests his Mother. Discussion is held.

IT IS ORDERED that pending the Temporary Orders hearing on Wednesday, October 15, 2008, the minor child, Knyzi Rai Schaunaman, is placed in the primary physical custody of Petitioner/Mother.

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IT IS FURTHER ORDERED that Father shall have supervised parenting time as arranged between the parties.

Discussion is held regarding TASC drug testing. Father is heard in response.

Counsel is heard in response and requests that Father's first test be a Hair Follicle Test and is heard further and states that due to Father's current financial circumstances, Mother shall pay the cost of the Hair Follicle Test. Father is heard in response.

IT IS FURTHER ORDERED that Father shall undergo random drug testing on the following basis:

A. Agency. Father's random drug testing shall be conducted at the following testing agency:

**TASC, Inc.**  
**423 N. Country Club Drive, Suite 19**  
**Mesa, Arizona 85201**  
**Phone: (480) 898-1849**

B. First Test. Father shall report to TASC no later than 5:00 p.m. today for his first test, which shall be a Hair Follicle Test, the cost of which shall be paid by Petitioner/Mother.

C. Scope. Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein after today's Hair Follicle Test.

D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.

2. Father shall timely report for testing and provide samples as directed by the testing agency.

3. Father shall present photo identification to the testing agency at the time of each test, along with any prescription medications currently being taken.

4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.

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E. Cost. Father shall pay the cost of his testing (\$25.00 per test) by money order or cashier's check at the time of testing. Mother shall pay the cost of the Hair Follicle Test ordered by the Court today (\$65.00 per test).

F. Frequency & Duration. Father shall be randomly tested not less than once per week until Trial.

G. Positive/Diluted/Missed Test. In the event that Father tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child.

H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result / a Monthly Drug Test Summary Report / a Cumulative Drug Test Summary Report on Wednesday, November 12, 2008.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court, pursuant to Rule 81, Arizona Rules of Family Law Procedure.

9:40 a.m. Matter concludes.

/ s / HONORABLE EMMET RONAN

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JUDICIAL OFFICER OF THE SUPERIOR COURT

ISSUED: TASC Drug Testing Referral Form

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of the proceedings. If a party wants a court reporter to record a proceeding in this Court,

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a written request must be filed at least 72 hours before the commencement of the proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.